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C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 001975

SIPDIS

STATE FOR SA/INS

E.O. 12958: DECL: 12/09/2014

TAGS: [PGOV](#) [CE](#)

SUBJECT: SRI LANKA: OPPOSITION TERMS JAILED MP "POLITICAL PRISONER"

REF: A. COLOMBO 1944

[1](#)B. COLOMBO 1936

Classified By: DCM JAMES F. ENTWISTLE. REASON: 1.4 (B,D).

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SUMMARY  
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[1](#)1. (C) Summary: Opposition United National Party (UNP) MPs disrupted Parliamentary proceedings for two days with protests about the December 7 sentencing of a UNP Member of Parliament to two years in prison for contempt of court. The UNP views the harsh sentence as further evidence of an ongoing effort by President Kumaratunga to weaken the Opposition and increase her numbers in Parliament. Opposition sources say the party is reviewing a number of options to reduce tensions before taking their protest to the streets. This latest brouhaha, which has dominated Parliamentary proceedings, media reports and high-level party powwows over the past week, is only the most recent example of partisan politics that continues to distract Sri Lanka's leadership from giving the peace process the attention and bipartisan support it needs to succeed.

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CONTEMPT CASE COSTS UNP ANOTHER SEAT  
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[1](#)2. (U) On December 7 the Supreme Court sentenced S.B. Dissanayake, a Member of Parliament from the Opposition United National Party (UNP) and a one-time member of President Kumaratunga's Sri Lanka Freedom Party (SLFP), to two years of "rigorous imprisonment" for contempt of court. The charges stemmed from remarks Dissanayake admitted making in a November 2003 speech deriding the Supreme Court. (Note: Because the remarks were about the Supreme Court, the case went directly to the Supreme Court--thereby giving Dissanayake little leeway for appeal.) The five-person bench, in imposing its judgment, justified the stiffness of the sentence by noting that Article 105 of the Constitution, which empowers the Court to hear contempt cases, provides no sentencing guidelines other than "imprisonment or fine or both as the court may deem fit."

[1](#)3. (U) Following announcement of the sentence, UNP MPs disrupted Parliamentary debate on the budget on December 7, attempting to have their dissatisfaction at the sentence entered into the official record and, in one instance, demonstrating their displeasure by throwing crockery at the Speaker's mace. The following day's proceedings were even more unruly, with Opposition MPs surrounding, or "gheraoing," the Speaker's chair and with one particularly obstreperous Member, apparently feeling that simply throwing things at the Speaker's mace was an insufficient sign of dissent, making off with the mace through the chamber doors.

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UNP CONTEMPLATES COUNTER-STRIKES  
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[1](#)4. (C) UNP contacts say they are stunned by the harshness of the sentence, which they attribute to President Chandrika Kumaratunga's influence over the Supreme Court, especially Chief Justice Sarath Silva. Everyone knows that the Supreme Court is the "lapdog" of the President, UNP Central Committee member Mahinda Haradasa told poloff December 9; the disproportionate severity of Dissanayake's sentence only provides further proof. Noting that Dissanayake's conviction effectively removes him from political life for seven years, Haradasa charged that the lopsided judgment against the MP attests to the President's ongoing attempts to whittle away UNP numbers in Parliament--either by inducing MPs away with Cabinet portfolios or intimidating them with legal action--to ensure legislative branch endorsement of a planned referendum to abolish the executive presidency (Reftels).

[1](#)5. (SBU) In the meantime, the UNP is floating a number of proposals--many of which seem of dubious legality--to overturn the conviction or reduce the sentence. According to UNP Chairman Malik Samarawickreme, the party has already approached the Judicial Services Commission with a request to

ask the Supreme Court to review its verdict. (Since the request basically asks the Supreme Court to overturn its own decision, its chances of success seem slim.) Another UNP MP appealed in Parliament to the President to pardon Dissanayake (a move that would allow him to regain his seat across the aisle from her government and thus also appears unlikely). Other UNP sources, citing a statement made in 2000 by Anura Bandaranaike, the President's brother and Speaker of Parliament at the time, asserting that Parliament enjoys supremacy over the judiciary, have suggested having the judgment vacated by Parliamentary fiat. (Note: Since there is no Constitutional basis to Bandaranaike's assertion and since the UNP is not in the majority in Parliament, this prospect seems rather dim as well.) Finally, describing the verdict as an infringement of the right to free speech, UNP MP G.L. Peiris threatened in Parliament December 9 to bring the case before the International Bar Association and the International Human Rights Commission. His comments were echoed in a December 9 press conference held by a number of UNP MPs in which one described Dissanayake as a "political prisoner" jailed for expressing his views. Samarawickreme said that the party will try to exhaust all possible avenues to ameliorate the situation before taking the protest to the streets. Failing the success of the strategies listed above, the UNP is considering a protest rally on December 21.

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COMMENT  
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16. (C) Two years in jail for ridiculing the Supreme Court seems somewhat severe and does little to offset widespread popular perceptions that the Supreme Court--especially Chief Justice Sarath Silva--is subject to Presidential influence. Since none of the strategies now under consideration by the UNP leadership seems likely to us to succeed, the stage appears set for even greater partisan confrontation and polarization. The lack of political consensus in the south is often cited by the Liberation Tigers of Tamil Eelam (LTTE) as justification for continued stonewalling on resuming negotiations. Recent developments, unfortunately, will only reinforce that message. The increasingly poisonous atmosphere offers little hope that much-needed bipartisan support for the peace process will materialize soon.

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